To: Cities, Counties, and Consultants **Date:** May 1, 2007

From: Office of Local Systems Revision No.: 2007-03

Subject: Packet and I.M. Revision Notice

The <u>Project Development Information Packet</u> (Packet) is in the process of being phased-out. The Packet will be replaced by the Federal-aid Project Development Guide (Guide) and the new <u>Instructional Memorandums to Local Public Agencies</u> (I.M.s). Refer to these web pages for additional information concerning the phase-out and transition process.

This revision notice identifies the Packet documents that have been replaced and the corresponding new I.M.s that have taken their place. It also identifies any updates to existing I.M.s. All new or updated I.M. documents are included on the pages that follow this notice. Note: This document is designed for double-sided printing, therefore documents with an odd number of pages are followed by a blank page.

If you maintain a hardcopy of the Packet and / or I.M.s, and plan to continue doing so, we recommend you either: a) as individual Packet or I.M. documents are replaced or updated, remove the old document and place the corresponding new I.M. in numeric sequence in your binder; or b) wait until the Packet is completely replaced before printing a new hardcopy. Once complete, the Guide and / or the I.M.s will be available for download as a single PDF file for convenient printing.

If you have any questions concerning the phase-out of the Packet, the transition to the new I.M.s, or these revisions, please contact Charlie Purcell at Charlie.Purcell@dot.iowa.gov or 515-239-1532.

*** PLEASE NOTIFY ALL AFFECTED PERSONNEL OF THIS CHANGE ***

Document Title or I.M Number Revision Date	Summary of Significant Revision(s)
Packet Table of Contents May 1, 2007	The Packet Table of Contents has been modified to show which Packet documents have been replaced. It includes cross-references and links to the corresponding new I.M.s. where appropriate.
I.M. Table of Contents May 1, 2007	The I.M. Table of Contents has been revised to reflect an updated numbering system and revision dates, including the new I.M.s listed below. It also includes cross-references and links to existing County Engineers I.M.s and Packet documents, where appropriate.
Chart 9, Packet Flow Charts 02-24-06	This document has been replaced by Attachment A to new I.M. 3.680 , Federal-aid Projects Involving Railroads (see below).
I.M. 3.670, Work on Railroad Right-of-Way May 1, 2007	This is a new I.M. It includes guidelines and procedures for a Local Public Agency (LPA) to use to obtain approval to work within a railroad's right-of-way. These procedures are required for LPA projects let through the Iowa Department of Transportation (Iowa DOT) and highly recommended for projects let through the LPA as they include items normally required by the railroads. To use these procedures on LPA let projects, the Iowa DOT Standard Specifications for Highway and Bridge Construction (Standard Specifications) must also be used. Currently, this I.M. only describes the special requirements for coordinating with Union Pacific Railroad. Revisions to this I.M. will be made as blanket agreements are reached with other railroads.
I.M. 3.680, Federal-aid Projects Involving Railroads May 1, 2007	This is a new I.M. It provides a summary of the requirements and procedures for Federal-aid transportation projects that involve work on railroad right-of-of-way or adjustments to railroad facilities, as specified in Title 23 of the Code of Federal Regulations, Part 646 (23 CFR 646). Topics addressed include design requirements, railroad agreements, and Federal participation in railroad costs.

PROJECT DEVELOPMENT INFORMATION PACKET

for Local Public Agency Federal-Aid Projects

Please Note: The Packet is in the process of being phased-out. Most of the detailed guidance currently contained in the Packet documents will be transferred to the new Instructional Memorandums for Local Public Agencies (I.M.s). Eventually, the Packet will be completely replaced with a new, more concise document called the "Federal-aid Project Development Guide." The Guide will summarize the Federal-aid project development process and reference the new I.M.s where appropriate to provide additional details concerning specific parts of the process.

If a Packet document has been replaced it is shown below in light grey text along with a cross-reference to the corresponding new I.M. In all new I.M.s, references to existing Packet documents have been replaced with references to the new I.M. that has taken or will take its place. If the referenced new I.M. is not yet complete, the web page will redirect the user to the appropriate existing Packet document(s).

This Table of Contents will remain in place until the Packet is completely phased-out.

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muck 110. 0 - Concept Statement and Environmental Regulations	Kevision Date
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•	Forms Packet*	
	* These forms are not included in the Project Development Information Packet itself convenience, this self-extracting executable file is provided. It contains current versit quote documents and the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction for the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the construction forms used for local federal-aid contract procured to the contract pr	ions of bid /
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•	Revision No. 02-2002 (PDF)	
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•	Revision No. 2007-01 (<u>PDF</u>)	02-16-07
•	Revision No. 2007-02 (<u>PDF</u>)	04-12-07
•	Revision No. 2007-03 (PDF)	05-01-07

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Instructional Memorandums To Local Public Agencies Table of Contents



Note: Some of the I.M.s listed below are not yet complete. Incomplete I.M.s are shown in light grey text. Some of the incomplete I.M.s will be based on existing I.M.s that will be renumbered. Other incomplete I.M.s will be based on content that is currently part of the Project Development Information Packet. Still other incomplete I.M.s will include entirely new content. Where applicable, a reference and link to the existing I.M. or Packet document is provided.

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<u>1.020</u>	Pavement Friction Evaluation Program	August 2003	Counties
1.030	Ordering Forms and Supplies From the Iowa Department of Transportation	November 2001	Both
<u>1.050</u>	Manuals, Guides and Instructional Information Available to Counties	December 2002	Both
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2.050	Procedure to Change a County Secondary Road Construction Program (see I.M. 3.11, dated March 2003)	N/A	Counties
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	Attachment B - Advance Local Project Resolution (see attachment to I.M. 3.11, dated March 2003) (Word)	N/A	Counties
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<u>2.210</u>	Engineering and Traffic Investigations – Speed Limit Study	March 2002	Counties
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	Attachment C - Resolution for Establishing Speed Limits (Word)	March 2002	Counties
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	Attachment D - Area Service "C" Resolution (Word)	January 2004	Counties

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<u>3.020</u>	Project Development Outline Farm-to-Market Funding (FM)	February 2002	Counties
3.030	Project Development Outline Local Funding (L)	February 2002	Both
<u>3.050</u>	In-Kind Contributions	April 12, 2007	Both
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3.112	FHWA Environmental Concurrence Process (see Packet, Index No. 6, NEPA Project Classification Process)	N/A	Both
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	Attachment B - Environmental Assessment / FONSI Process (see Packet, Flowcharts, Chart No. 6A - Environmental Assessment / FONSI Process)	N/A	Both
	Attachment C - Environmental Impact Statement / ROD Process (see Packet, Flowcharts, Chart No. 6B - Environmental Impact Statement / ROD Process)	N/A	Both
	Attachment D - Section 106 Process (see Packet, Flowcharts, Chart No. 6C - Section 106 Process)	N/A	Both
	Attachment E - Section 4(f) Process (see Packet, Flowcharts, Chart No. 6D - Section 4(f) Process)	N/A	Both
3.114	Cultural Resource Regulations (see Packet, Index No. 6, Cultural Resource Regulations)	N/A	Both
3.120	Farmland Protection Policy Act Guidelines (see Packet, Index No. 6, Farmland Protection Policy Act Guidelines)	N/A	Both
	Attachment A - Farmland Protection Policy Act Process Flowchart (see Packet, Flowcharts, Chart No. 6E - Farmland Protection Policy Act Process)	N/A	Both
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	Appendix B - List of Environmental Consultants	September 2005	Both
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3.211 Rehabilitation of Existing Surfaces November 2001	Counties
3.213 Traffic Barriers (Guardrail and Bridge Rail) November 2001	3oth
3.214 3R Guidelines for Federal-Aid Projects May 2003	Counties
3.215 Clear Zone February 2002 C	Counties
3.216 Economic Analysis (Benefit-to-Cost Ratio) October 2001	Counties
3.218 Design Exception Process December 2002	Counties
Attachment A – Design Exception Process Flowchart (see Packet, N/A Flowcharts, Chart No. 4 – Design Exception Process)	Both
3.220 Design Exception Process for Bridges Narrower than Approach N/A Pavement (see I.M. 3.132, dated February 2002)	Both
Section 3.3 Consultant and In-House Design	
3.305 Federal-aid Participation in Consultant Costs August 29, 2006	3oth
Attachment A – Federal-Aid Consultant Checklist August 29, 2006	3oth
Attachment B – Guidelines for Federal-Aid Consultant Contracts August 29, 2006	3oth
Attachment C – Payment Methods August 29, 2006	3oth
Attachment D - Sample Consultant Contract (Word) August 29, 2006	3oth
3.310 Federal-aid Participation in In-House Engineering Costs (see Packet, N/A Index No. 2, In-House Engineering Guidelines and Steps to Utilize Federal-aid for In-House Engineering)	Both
3.315 Farm-to-Market Funded Consultant Contracts N/A	Counties
Section 3.4 Preliminary Design	
3.405 Preliminary Plans (see <u>I.M. 3.12</u> , dated June 2002) N/A	Both
Attachment A – Preliminary Plan Guidelines (see Packet, Index No. 7, N/A Preliminary Plan Guidelines)	Both
Attachment B – Preliminary Plan Checklist (see Packet, Index No. 7, N/A Preliminary Plan Checklist)	Both
Attachment C – Preliminary Plan Process Flowchart (see Packet, N/A Flowcharts, Chart No. 7 – Preliminary Plan Process)	Both
3.410 Preliminary Bridge or Culvert Plans (see I.M. 3.131, dated May 2003) N/A	Both
Section 3.5 Final Design	
-	Both
·	Both
•	Both
	Both
Attachment C - Check and Final Plan Process Flowchart February 16, 2007 E	
•	3oth

No.	Subject	Revision Date	Written To
3.520	Electronic Bid Item Information (see Packet, Index No. 8, BIAS 2000 Information)	N/A	Both
Sectio	n 3.6 Right-of-Way, Utilities, and Railroads		
3.605	Right-of-Way Acquisition (see I.M. 3.31, dated August 2004)	N/A	Both
	Attachment A - Early ROW Acquisition Process Flowchart (see Packet, Flowcharts, Chart No. 5 – Early ROW Acquisition Process)	N/A	Both
	Attachment B - FHWA Authorization of ROW Costs Flowchart (see Packet, Flowcharts, Chart No. 8 – ROW Authorization Process)	N/A	Both
3.640	Utility Accommodation and Coordination	N/A	Both
3.650	Federal-aid Participation in Utility Relocations	N/A	Both
	Attachment A – Utility Relocation Federal-Aid Eligibility Flowchart	N/A	Both
	Attachment B – FHWA Authorization of Utility Relocation Costs Flowchart	N/A	Both
3.670	Work on Railroad Right-of-Way	May 1, 2007	Both
	Attachment A – Notification and Agreement of Maintenance Work in Railroad Right-of-Way (Word)	May 1, 2007	Both
	Attachment B – Notification of Construction Work in Railroad Right-of-Way (Word)	May 1, 2007	Both
	Attachment C – Work on Railroad Right-of-Way Flowchart	May 1, 2007	Both
3.680	Federal-aid Projects Involving Railroads	May 1, 2007	Both
	Attachment A – FHWA Authorization of Railroad Costs Flowchart	May 1, 2007	Both
Sectio	n 3.7 Lettings and Contracts	•	
3.705	Local Letting Process – State or Local Funded (see <u>I.M. 3.41</u> , dated September 2005; <u>I.M. 3.42</u> , dated March 2002; and <u>I.M. 3.43</u> , dated September 2002)	N/A	Both
3.710	DBE Guidelines (see Packet, General Information, DBE Guidelines)	N/A	Both
3.720	Local Letting Process – Federal-aid	April 12, 2007	Both
	Attachment A - Pre-Award Checklist and Certification	April 12, 2007	Both
	Attachment B - Post-Award Checklist and Certification	April 12, 2007	Both
	Attachment C - Supplemental Agreement	April 12, 2007	Both
	Forms Packet* * The documents included in the Forms Packet are not actually a part of I.M. 3.720 or its attachments. However, for convenient download, these documents are bundled together in a self-extracting executable file (forms.exe).	N/A	Both
3.730	Iowa DOT Letting Process (see I.M. 3.44, dated September 2005)	N/A	Both
	Attachment A – Iowa DOT Letting Process Flowchart (see Packet, Flowcharts, <u>Chart No. 12 – DOT Pre-letting Process</u> and <u>Chart No. 13 – DOT Post-letting Process</u>)	N/A	Both
3.750	Project Development Certification Instructions (see Packet, Index No. 8, Project Development Certification Instructions)	N/A	Both
	Attachment A – Project Development Certification Process Flowchart (see Packet, Flowcharts, <u>Chart No. 11 – Project Development</u> Certification Process)	N/A	Both
3.760	Public Interest Findings (see Packet, Index No. 8, Public Interest Findings)	N/A	Both
3.770	Paving Point Requirements	N/A	Counties
Sectio	n 3.8 Construction		
3.805	Construction Inspection (see I.M. 3.51, dated September 2002)	N/A	Both
3.810	Federal-aid Construction by Local Agency Forces (see Packet, Index No. 3, Force Account Construction Guidelines and Steps to Utilize Federal-aid for Force Account Construction)	N/A	Both
3.870	Farm-to-Market Voucher Process	N/A	Counties

No.	Subject	Revision Date	Written To
01			
Chap	oter 4 – Systems Classification And Identification		
Section	on 4.0 General		
<u>4.010</u>	Procedures to Modify the Secondary Road Route Numbering System	September 2002	Counties
4.030	County Road Vacations	September 2002	Counties
	Attachment A - Resolution for Road Vacation Public Hearing (Word)	September 2002	Counties
	Attachment B - Notice of Public Hearing (Word)	September 2002	Counties
	Attachment C - Resolution to Vacate a County Road (Word)	September 2002	Counties
Section	on 4.1 Federal-aid Secondary System		
Section	on 4.2 Farm-to-Market System		
4.210	Modification of the Farm-to Market (FM) System	March 2002	Counties
	Attachment A - FM Review Board Application Resolution (Word)	March 2002	Counties
4.220	Farm-to-Market Review Board Advisory Opinions on Proposed Jurisdictional Transfers	April 2002	Counties

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



	=	
To:	Counties and Cities	Date: May 1, 2007
From:	Office of Local Systems	I.M. No. 3.670
Subject:	Work on Railroad Right-of-Way	•

Contents: This Instructional Memorandum (I.M.) includes guidelines and procedures for a Local Public Agency (LPA) to use to obtain approval to work within a railroad's right-of-way. These procedures are required for LPA projects let through the Iowa Department of Transportation (Iowa DOT) and highly recommended for projects let through the LPA as they include items normally required by the railroads. To use these procedures on LPA let projects, the Iowa DOT Standard Specifications for Highway and Bridge Construction (Standard Specifications) must also be used. Currently, this I.M. only describes the special requirements for coordinating with Union Pacific Railroad. Revisions to this I.M. will be made as blanket agreements are reached with other railroads. This I.M. includes the following attachments:

Attachment A - Notification and Agreement of Maintenance Work in Railroad Right-of-Way (Word)

Attachment B - Notification of Construction Work in Railroad Right-of-Way (Word)

Attachment C - Work on Railroad Right-of-Way Flowchart

Definitions

Railroad - Union Pacific Railroad Company

Maintenance - a project in which there will be no additional railroad right-of-way or railroad facility adjustment, e.g. full depth replacement; patching; resurfacing the roadway, shoulders, or bridge deck; maintenance cleaning and painting of a bridge structure.

Construction - a project in which there will be additional railroad right-of-way or railroad facility adjustment, e.g. widening of the road or shoulders that would require adding, replacing, or extending the railroad crossing material; relocation of railroad crossing signals; changing from an unpaved to a paved road; construction of an overpass.

Overpass - when the roadway bridges over the railroad.

Underpass - when the roadway crosses under the railroad.

Specifications

LPA will include one of the following specifications in the contract documents:

- For maintenance projects: Maintenance Work on Railroad Right-of-Way (Union Pacific Railroad).
- For construction projects: Construction Work on Railroad Right-of-Way with A+B for Bidding Railroad Flaggers (Union Pacific Railroad).

Note: These specifications are currently under development. When available, they will be posted on the lowa DOT <u>Specification Section web page</u>. Until then, LPA's with projects involving railroad crossings should contact the Office of Local Systems for assistance.

The LPA's design shall comply with the requirements of these specifications, such as horizontal and vertical clearances. If the project limits contain construction of railroad facilities that will be performed by the Railroad's forces, the LPA shall state this in the contract documents. The contract documents shall state the Contractor's limits of responsibility and allow sufficient time in the schedule for the work to be accomplished; and that the Contractor shall coordinate its activities with the Railroad.

In the unlikely event of a unique project that will not be covered by the requirements of one of the current Maintenance or Construction Work on Railroad Right-of-way specifications, a project specific specification may be required. Contact the Railroad and the Office of Local Systems for assistance.

Railroad Notification and Agreement

If construction or maintenance activities will occur on Railroad properties or within 25 feet of the centerline of the outer most track, the Railroad must be notified.

For maintenance projects let by the Iowa DOT, the Notification and Agreement of Maintenance Work in Railroad Right-of-Way (see Attachment A to this I.M.) shall be submitted to the Railroad a minimum of 2 months before the Final Plan submittal to the Iowa DOT, as specified in I.M. 3.005, Project Development Submittal Dates and Information. This submittal shall include a set of plans and a copy of the current Maintenance Work on Railroad Right-of-Way specification.

On LPA let maintenance projects where the Standard Specifications are going to be used, the Notification and Agreement of Maintenance Work in Railroad Right-of-Way, a set of plans, and a copy of the current Maintenance Work on Railroad Right-of-Way specification should be submitted a minimum of 2 months before the letting. On LPA let maintenance projects where the Standard Specifications are not going to be referenced, a notification letter should be sent to the Railroad with a copy of the plans and specifications that the project will utilize, a minimum of 4 months before the letting.

For construction projects let by the Iowa DOT, the Notification of Construction Work in Railroad Right-of-Way (see Attachment B to this I.M.) must be submitted to the Railroad as soon as the Contracting Authority is aware the project will impact the Railroad in such a way that a construction agreement will be necessary. This submittal shall include a set of plans and a copy of the current Construction Work on Railroad Right-of-Way with A+B for Bidding Railroad Flaggers specification. This specification will cover the Contractor requirements, but the LPA must negotiate an agreement for such things as right-of-way purchases, percent Railroad will pay for the project, and who will maintain the crossing after construction. The agreement will be between the LPA and the Railroad; the Contractor shall never be required to enter into, or sign, any agreement with the Railroad to complete work required by the contract documents so long as the Contractor does not need to enter the Railroad's property outside the limits of the area authorized by the public's easement. If the Contractor needs to enter the Railroad's property outside of the area authorized by the public's easement, the Contractor is responsible for obtaining a permit of entry from the Railroad. The Contractor shall be required to enter into an agreement with the Railroad for a temporary crossing not included in the contract documents. For Federal-aid projects, this agreement shall comply with the requirements of Title 23 of the Code of Federal Regulations, Part 646 (23 CFR 646). For more information, refer to I.M. 3.680, Federal-aid Projects Involving Railroads.

On LPA let construction projects that will reference the Standard Specifications, the Notification of Construction Work in Railroad Right-of-Way, a set of plans, and a copy of the current Construction Work on Railroad Right-of-Way with A+B for Bidding Railroad Flaggers specification should be submitted as soon as possible. On LPA let construction projects where the Standard Specifications are not going to be referenced, a notification letter must be sent to the Railroad with a copy of the plans and specifications that the project will utilize, as soon as possible.

After each Iowa DOT letting, the Office of Contracts will automatically send a report notifying the Railroad of pertinent project information for all projects let through the Iowa DOT.

The LPA should notify the Railroad of the following, immediately after awarding the contract on LPA let projects:

- Federal Railroad Administration (FRA) crossing number*
- 2. LPA project number
- 3. Contractor's name, mailing information, and phone number
- 4. Contractor's contact person
- 5. Anticipated start date
- 6. Number of working days
- 7. Number of days it is believed the Contractor will impact the railroad.

^{*} For help in identifying the FRA number, refer to the Iowa DOT Office of Rail Transportation's <u>Highway-Railroad Crossing Identifiers web page</u>.

Flagging

Flaggers may not be requested until after insurance is submitted to the Railroad.

Flagging fees will be at the rate stated in either the Maintenance or Construction Work on Railroad Right-of-way specification.

On maintenance projects, the Contractor will be required to pay the flagging fees.

On construction projects, the LPA will be required to pay the flagging fees. If the LPA desires Federal-aid participation in any costs paid to the Railroad, refer to I.M. <u>3.680</u>, Federal-aid Projects Involving Railroads.

Shop Drawings

Shop drawings will be required by the Railroad on construction of all over and under passes.

The Contractor's submittals required for construction materials and shop drawings shall be outlined in the contract documents. The LPA shall review the Contractor's submittals and forward them, including their comments, to the Railroad. The submittal and the LPA's review comments will be reviewed by the Railroad. Review of the submittals will not be conducted until after review by the LPA. Railroad review of the submittal items will require a minimum of 4 weeks after receipt from the LPA.

Site Inspections by Railroad's Designated Representative and Scheduling

In addition to the office reviews of construction submittals, site inspections may be performed by Railroad's Designated Representative at significant points during construction, including those applicable but not limited to the following:

- 1. Preconstruction meetings.
- 2. Pile driving, drilling of caissons or drilled shafts.
- 3. Reinforcement and concrete placement for railroad bridge substructure and/or superstructure.
- 4. Erection of precast concrete or steel bridge superstructure.
- 5. Completion of the bridge structure.

Site visits to check progress of the work may be performed at any time throughout the construction as deemed necessary by Railroad.

Railroad Contact Persons

All submittals to the Railroad shall be made to the appropriate contact person(s) listed below, unless otherwise directed by the Railroad.

Union Pacific Railroad Company:

Union Pacific Railroad Attn: Manager Industrial and Public Projects 1400 Douglas Street Stop 0910 Omaha, NE 68179

Notification and Agreement of Maintenance Work in Railroad Right-of-Way

FRA Number: Route/Road name: County: Iowa DOT Project Number:

[Railroad company name]
Attn: [Railroad contact person name and / or title]
[street address]
[city, state zip]

Dear [Railroad contact person name and / or title],

Thank you for your consideration.

We desire to enter the right-of-way of the [Railroad company name] (Railroad) for a maintenance project. This project will not require additional railroad right-of-way or railroad facility adjustment, as shown on the attached set of plans. If Federal-aid funds are used for this project, the applicable portions of 23 CFR 646, Subpart B, and 23 CFR 140, Subpart I, shall apply.

The attached specification will be included in the contract documents. All flagging charges should be submitted to contractor within 90 days of the contractor's completion notice. The contractor will be responsible to pay the Railroad directly for all flagging charges associated with this project within 30 days of receipt of the Railroad's billing. If the contractor fails to pay the Railroad for all flagging charges, the Railroad will notify us at the address below within 30 days. We assume and agree to pay all such charges within 30 days of receipt of the contractor's non-payment from the Railroad.

If the proposed work is acceptable to the Railroad, please sign and return this letter. The Railroad may request changes to the plans after award of the contract, but such changes are subject to approval by the [city or county name] and the lowa Department of Transportation.

[LPA contact person name] [LPA contact person title] [street address] [city, state zip] [Phone number] [E-mail address]	
Approved,	
By:(signature)	,,,,
(printed name)	Railroad agreement file number:
Attachments: Plans	

Maintenance Work on Railroad Right-of-Way specification

Notification of Construction Work in Railroad Right-of-Way

FRA Number: Route/Road name: County: Iowa DOT Project Number:

[Railroad company name]
Attn: [Railroad contact person name and / or title]
[street address]
[city, state zip]

Dear [Railroad contact person name and / or title],

We desire to enter the right-of-way of the [Railroad company name] (Railroad) for a construction project. This project requires additional railroad right-of-way or railroad facility adjustment, as shown on the attached set of plans.

The attached specification will be included in the contract documents. All flagging charges should be submitted to the address below within 90 days of the contractor's completion notice. We assume and agree to pay all such flagging charges within 30 days of receipt of the Railroad's billing.

We will submit as-built plans to the Railroad within 1 year of completion of the project. These records shall consist of the following items:

Underpass Projects

- Electronic files of all structure design drawings with as-constructed modifications shown, in MicroStation J
 or Acrobat .PDF format.
- 2. Hard copies of all structure design drawings with as-constructed modifications shown.

Overpass Projects

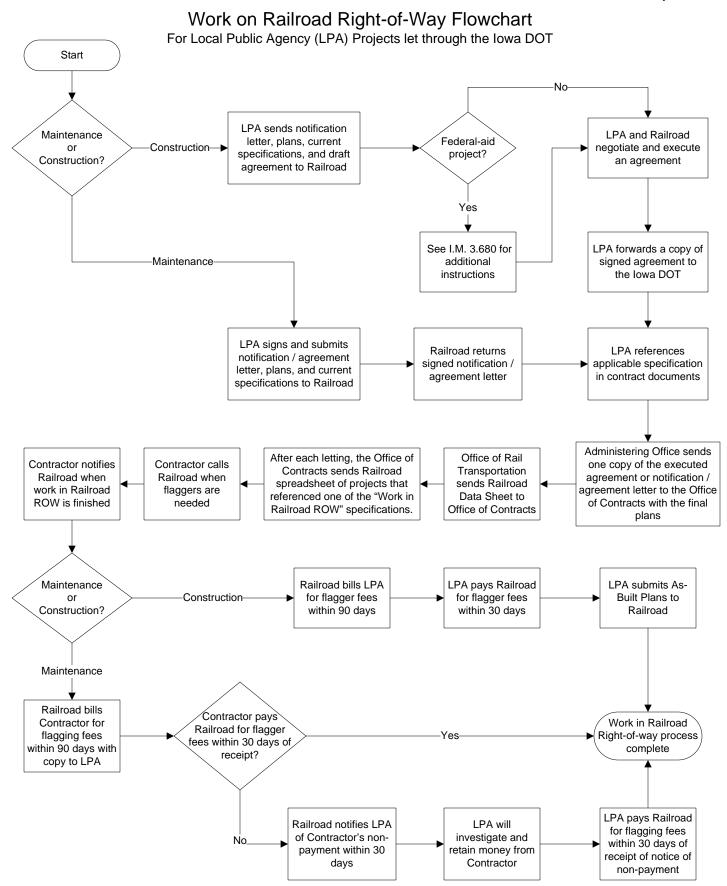
- Electronic files of all structure design drawings with as-constructed modifications shown, in MicroStation J
 or Acrobat .PDF format.
- 2. Hard copies of all structure design drawings with as-constructed modifications shown.
- 3. Final approved copies of shop drawings for concrete and steel members.
- 4. Foundation Construction Reports.

Draft agreement

5. Compaction testing reports for backfill at abutments.

Please find attached a draft agreement for your review. The Railroad may request changes to the plans after award of the contract, but such changes are subject to approval by the [city or county name] and the lowa Department of Transportation.

Thank you for your	consideration.
	Date:
[LPA contact persor	
[LPA contact persor	title]
[street address]	
[city, state zip]	
[Phone number] [E-	nail address]
Attachments: Plans	
Cons	ruction Work on Railroad Right-of-Way with A+B for Bidding Railroad Flaggers specification



INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To:	Counties and Cities	Date: May 1, 2007
From:	Office of Local Systems	I.M. No. 3.680
Subject:	Federal-aid Projects Involving Railroads	

Contents: This Instructional Memorandum (I.M.) provides a summary of the requirements and procedures for Federal-aid transportation projects that involve work on railroad right-of-way or adjustments to railroad facilities, as specified in Title 23 of the Code of Federal Regulations, Part 646 (<u>23 CFR 646</u>). Topics addressed include design requirements, railroad agreements, and Federal participation in railroad costs. This I.M. includes the following attachment:

Attachment A - FHWA Authorization of Railroad Costs Flowchart

Note: For additional instructions and procedures for projects that involve railroad crossings, refer also to <u>I.M.</u> <u>3.670</u>, Work on Railroad Right-of-Way.

Project Design

Standards Used:

When the facility to be designed will be maintained and operated by the railroad, the design shall comply with the railroad's normal design standards and practices. When the facility will be maintained and operated by the LPA, the design shall comply with the applicable Federal-aid design guidelines, as outlined in Section 3.2 of the I.M.s. For structural or other design criteria not included in the I.M.s, refer to the applicable American Association of Highway Officials (AASHTO) design guidelines.

Specific Requirements:

For grade crossing projects, the project design shall comply with the following:

- 1. All traffic control devices shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by 761 lowa Administrative Code (IAC), Chapter 130.
- 2. The project shall not be opened to unrestricted traffic or accepted as complete until adequate warning devices are operational at all highway-rail crossings within or adjacent to the project limits. Adequate warning devices shall include automatic gates and flashing lights when one or more of the following conditions exist:
 - multiple mainline tracks are present;
 - multiple tracks are present which may be occupied by a train or locomotive so as to obscure another train approaching the crossing;
 - high train speeds with limited sight distance;
 - high train speeds and moderately high volumes of train and highway traffic;
 - a high volume of highway traffic, a high number of train movements, substantial numbers of school buses or trucks carrying hazardous materials, unusually restricted sight distance, or recurring crashes; or
 - a diagnostic team recommends them.

Otherwise, the determination of what type of warning device to install will be made by the LPA and / or the railroad, subject to approval by the Iowa Department of Transportation (Iowa DOT).

For projects on full access control highways (freeways), at-grade crossings shall be eliminated, regardless of the train or highway traffic volumes.

Performance of Design Work:

The engineering design work required for rail-highway projects may be accomplished by one of the following methods, subject to mutual agreement between the railroad and the LPA:

- 1. The LPA's or the railroad's own engineering staff; or
- 2. An engineering consultant. The consultant contract may be procured and administered either by LPA, with approval of the railroad; or by the railroad, with approval of the LPA.

Railroad Agreements

The Federal regulations require an agreement between the LPA and the railroad for any Federal-aid project that requires work on railroad right-of-way or adjustments to railroad facilities. It is the responsibility of the LPA to initiate the agreement process with the railroad. Some railroad agreements can take a long time to negotiate and execute, especially for projects that involve a significant amount of work on railroad property or facilities (e.g., construction or reconstruction of overpasses or underpasses, or projects that require relocation or adjustment of grade crossings or other railroad facilities). Therefore, the LPA should contact the railroad as early possible in the project development process.

Agreement Content:

For maintenance-type projects (as defined in <u>I.M. 3.670</u>, Work on Railroad Right-of-way), the Notification and Agreement for Maintenance Work in Railroad Right-of-Way (see <u>Attachment A</u> to I.M. 3.670) shall be used as the agreement between the LPA and the railroad. This form meets the Federal requirements for maintenance-type projects.

For construction-type projects (as defined by I.M. 3.670), a more formal, detailed agreement will need to be negotiated between the railroad and the LPA. Most railroads have standardized agreements that may be used for this purpose. Regardless of the particular form of agreement used, all railroad agreements for construction-type projects must provide the following, where applicable:

- 1. The provisions of 23 CFR 646, Subpart B, and 23 CFR 140, Subpart I, incorporated by reference.
- 2. A detailed statement of work to be completed by each party.
- 3. The method of payment for railroad costs. The preferred method of payment is based on actual costs. However, subject to approval by the lowa DOT, the lump-sum method may be used for work done by railroad forces for any of the following:
 - installation or improvement of grade crossing warning devices and / or grade crossing surfaces;
 - any eligible railroad work where the estimate cost to the LPA does not exceed \$100,000; or
 - when the lowa DOT concurs it is in the public's best interest to use this method.

Note: Usually, the lowa DOT will not approve payment on a lump-sum basis because the historical cost data necessary to justify use of a lump-sum method is not available. If a lump-sum method is used, the lowa DOT will require periodic reviews of the methods and cost data used by the railroad to develop lump-sum estimates.

- 4. If the project is not a safety project to eliminate a grade crossing, the extent to which the railroad is obligated to move or adjust its facilities at its own expense.
- 5. The railroad's share of project costs.
 - In general, the railroad is not required to share in the project costs when there is no ascertainable net benefit to the railroad.
 - When the project will eliminate an existing grade crossing at which active warning devices are either
 in place or have been ordered to be installed by a State regulatory agency, the railroad is required to
 pay a minimum of 5 percent of the project costs, within the limits set by 23 CFR 646.210(c).
 - Railroads may voluntarily contribute a greater share of project costs than are required, and other parties may also voluntarily assume the railroads share of project costs.
- 6. An itemized estimate of the cost of work to be completed by the railroad.
- 7. The method for performing railroad work. Railroad construction may be accomplished by any of the following methods:
 - force account (work done by railroad forces),
 - a competitive contract award,

- a contractor retained as part of an existing continuing railroad contract, provided the cost is reasonable, or
- a non-competitive contract award for minor work, provided the cost is reasonable.
- 8. The maintenance responsibilities of each party.
- 9. The form, duration, and amounts of any needed insurance. Such insurance shall comply with the requirements of 23 CFR 646, Subpart A.
- 10. References to the plans and specifications that describe the proposed work.
- 11. Provisions that specify the type of protective services (such as railroad flaggers) the railroad will provide or require, the conditions under which they are required during the performance of the work, and the method of payment to the railroad for these services.
- 12. Provisions that address the inspection of any recovered materials. These provisions shall allow the LPA to inspect any materials salvaged by the railroad in order to agree upon the credit (if any) to be applied toward the Federal participation in the cost of the railroad work, as required by 23 CFR 646.216(c)(2).

Federal Participation in Railroad Costs

To request FHWA authorization for railroad costs, follow the process illustrated in the flowchart included as Attachment A to this I.M. Like any other type of project work, FHWA Authorization must be obtained prior to beginning any railroad work which will be reimbursed with Federal funds. Additional details and guidance concerning this process is provided below.

Federal Share:

The pro-rata share of eligible railroad costs shall be determined by the Federal program that is supplying the Federal funds for the project.

Eligible Costs:

The criteria governing the eligibility of specific cost elements (e.g., labor, overhead, materials, equipment, etc.) incurred by the railroad are given in <u>23 CFR 140, Subpart I</u>. If a pre-audit is requested, the eligibility of these costs will be reviewed by the lowa DOT (see the "Pre-audit Procedures" section below).

Eligible Activities:

Engineering

The cost of Preliminary Engineering (PE) work required for the design of railroad facilities may be eligible for Federal reimbursement.

- When LPA procures the services of an engineering consultant, a qualifications-based selection process shall be followed, as described in <u>I.M. 3.305</u>, Federal Participation in Consultant Costs.
- In-house engineering services provided by the LPA must be reviewed and approved in accordance with I.M. 3.310, Federal-aid Participation in In-House Engineering Costs.
- When the railroad is not adequately staffed to perform the required engineering work, Federal funds may
 participate in the costs of engineering or other consultants hired by the railroad, provided that such
 consultant fees are reasonable and are not based on a percentage of construction cost. The railroad may
 contract for the required engineering work on a project-specific basis, or as part of an existing continuing
 contract when such work is regularly performed for the railroad.

Right-of-Way

When required by the highway project, the cost of acquiring railroad right-of-way or providing replacement right-of-way for the railroad may be eligible for Federal reimbursement. To be eligible, such right-of-way acquisitions must meet the same eligibility criteria and follow the same procedures as any other Federal-aid project. For more information, refer to the <u>I.M. 3.605</u>, Right-of-Way Acquisition.

Construction

In general, Federal funds may participate in the cost of adjustments or construction of railroad facilities that are required to construct the highway project, but Federal funds may not participate in costs incurred solely for the benefit of the railroad.

Federal funds may participate in the portion of project costs required to provide the normal horizontal and vertical clearances required by the railroad, subject to the limitations provided in the <u>Appendix to Subpart B</u> of 23 CFR 646, or as required by the lowa DOT.

For grade separation projects, Federal funds may participate in the costs associated with providing additional space to accommodate future tracks, if the railroad provides documentation to show that plans to add such tracks are included in its 5-year improvement plan. The LPA shall forward this documentation to the lowa DOT Administering Office with its request for FHWA authorization.

FHWA Authorization Request Submittal:

To request FHWA authorization for railroad costs, submit the following to the Administering Office:

- 1. The draft railroad agreement, including the proposed plans and specifications, and an itemized estimate of railroad costs to be paid by the LPA.
- 2. If the cost of acquiring railroad right-of-way is requested, include the information specified by <u>I.M. 3.605</u>, Right-of-Way Acquisition.
- 3. If the cost of engineering services is requested, include the information specified by either <u>I.M. 3.305</u>, Federal Participation in Consultant Costs, or <u>I.M. 3.310</u>, Federal-aid Participation in In-House Engineering Costs, as appropriate.

Pre-audit Procedures:

If the estimated total railroad cost to be paid by the LPA is greater than \$100,000, the Administering Office will forward 1 copy of the draft railroad agreement to the Iowa DOT Office of Finance, External Audits, and request a pre-audit. If the estimated cost is less than \$100,000, a pre-audit is usually not required, unless:

- the railroad is to be paid on a lump-sum basis;
- there is insufficient knowledge of the railroad's accounting system;
- there is previous unfavorable experience regarding the reliability of the railroad's accounting system;
- the railroad agreement involves procurement of new equipment or supplies for which cost experience is lacking; or
- the Administering Office has concerns about any item in the proposed cost estimate.

External Audits may waive the need for a pre-audit based on its knowledge of the railroad and its past audit history. A pre-audit typically includes:

- an analysis of the railroad's cost proposal and financial records for the method of accounting in place to
 assure that the railroad has the ability to adequately segregate and accumulate reasonable and allowable
 costs to be charged against the project; and
- an analysis of the railroad's proposed direct costing rates and indirect overhead factors to assure their propriety and eligibility for Federal reimbursement, as required by <u>23 CFR 140, Subpart I</u>.

If there are any questions about the pre-audit procedures, the LPA or Administering Office may contact External Audits for assistance.

Reimbursements:

The LPA may request reimbursement for approved and authorized railroad costs anytime after payments have been made to the railroad. Each request for reimbursement shall include:

- 1 cover letter that identifies the project number, the railroad work for which reimbursement is being requested, and the total amount claimed for reimbursement.
- If the railroad is performing the work with its own forces, include 1 copy of the railroad's estimate of work completed to date.
- If the railroad is using a contractor or consultant to perform the work, 1 copy each of the contractor or consultant invoice, and any applicable subcontractor or subconsultant invoices.
- 1 copy of the canceled check or check register to verify that the LPA has made payment to the railroad.

Completion of Railroad Work:

After all the railroad's work is completed, the LPA shall submit a request for final reimbursement to the Administering Office. The final reimbursement request shall include:

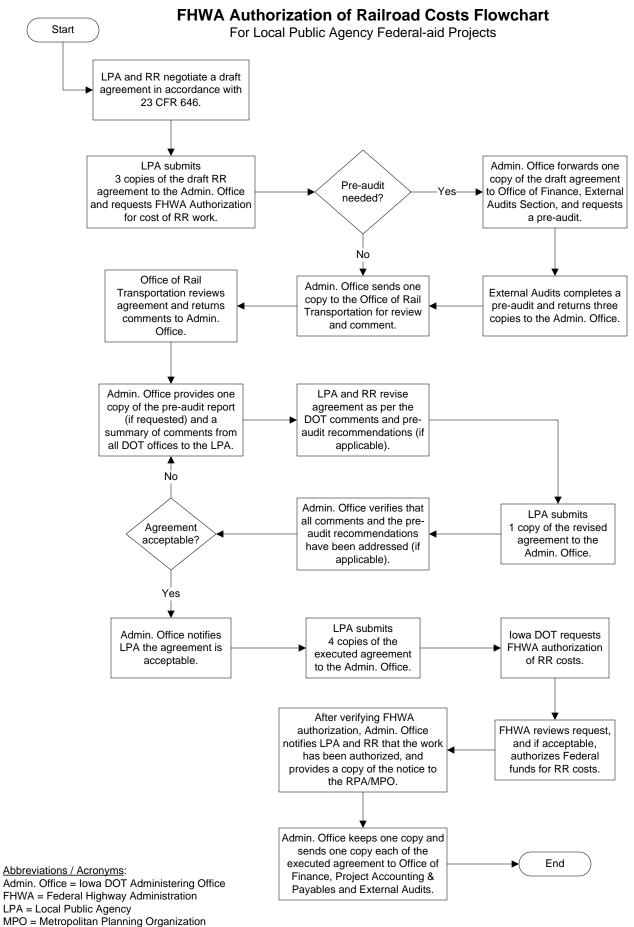
- 1 cover letter that identifies the project number, the railroad work for which reimbursement is being requested, and the total amount claimed for reimbursement. The cover letter shall also include a statement by the LPA that the work performed by the railroad was completed in general conformance with the railroad agreement.
- If the railroad is performing the work with its own forces, include 1 copy of the railroad's final costs.
- If the railroad is using a contractor or consultant to perform the work, 1 copy each of the contractor or consultant final invoice, and any applicable subcontractor or subconsultant final invoices.
- 1 copy of the canceled check or check register to verify that the LPA has made final payment to the railroad.
- 1 set of four color photos of showing the finished crossing from both roadway and railroad approaches (recommended but not required these photos are used for the lowa DOT's railroad database).

Because the final audit process can require a significant amount of time, and the final audit will need to be complete before the project as a whole can receive final Federal-aid reimbursement, the LPA should submit their request for final reimbursement of railroad work as soon as possible.

Upon receipt of a request for final reimbursement of railroad costs, the Administering Office will forward a request for a final audit or final review to the Office of Finance, External Audits. Lump sum agreements do not need a final audit, but may have a final review. External Audits may waive final audit requirements on railroad agreements less than \$100,000. Final reimbursement for lump sum agreements or hourly rate agreements under \$100,000 can be made prior to the final audit or review (reimbursement set by agreement).

If a final audit is conducted, External Audits will review all invoiced charges to assure that the charges are adequately supported and are eligible for reimbursement. After the final audit is complete, External Audits will return the audit report to the Administering Office, which in turn will pass the report on to the LPA and the railroad.

- If the final audit report finds that a balance is due to the railroad, the railroad may invoice the LPA for the balance due and the LPA may request reimbursement for the additional payment. Upon receipt of such a request, the Iowa DOT will reimburse the LPA for the appropriate Federal share.
- If the final audit report finds that the railroad has been overpaid, the lowa DOT will invoice the LPA for the appropriate Federal share or deduct this amount from the balance of reimbursement that is due to the LPA for other project costs. Likewise, the LPA may request reimbursement from the railroad for the amount of overpayment.



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RPA = Regional Planning Affiliation

RR = railroad company